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North Carolina Sterilization Statute

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August 1963

said inmate, patient or non-institutional individual, provided the other provisions of this article are complied with. Any operation authorized in accordance with this proviso may be performed immediately upon receipt of the authorization from the Eugenics Board. (1933,c.224,s.9; 1935,c.463,ss.3,6; 1947, c.93; 1961,c.186.)

35-45. Consideration of matter by Board. The said Board at the time and place named in said notice with such reasonable continuances from time to time and from place to place as the said Board may determine, shall proceed to hear and consider the said petition and evidence offered in support of and against the same: Provided that the said Board shall give opportunity to said inmate, patient or individual resident to attend the said hearings in person if desired by him or if requested by his guardian or next of kin or the solicitor.

The said Board may receive and consider as evidence at the said hearings the commitment papers and other records of the said inmate or patient with or in any of the aforesaid institutions as certified by the superintendent or executive official, together with such other evidence as may be offered by any party to the proceedings.

Any member of the said Board shall have power for the purposes of this article to administer oaths to any witnesses at such hearing.

Depositions may be taken, as in other civil cases, by any party after due notice and read in evidence, if otherwise pertinent.

Any party to the said proceedings shall have the right to be represented by counsel at such hearings.

A stenographic transcript of the proceedings at such hearings duly certified by the petitioner and the inmate, patient or individual resident, or his guardian or next of kin, or the solicitor, shall be made and preserved as part of the records of the case. (1933,c.224,s.10.)

35-46. Board may deny or approve petition. The said Board may deny the prayer of the said petition or if in the judgment of the Board, the case falls within the intent and meaning of one or more of the circumstances mentioned in 35-39, and an operation of asexualization or sterilization seems to said Board to be for the best interest of the mental, moral or physical improvement of the said patient, inmate or individual resident or for the public good, it shall be the duty of the Board to approve said recommendation in whole or in part or to make such order as under all the circumstances of the case may seem appropriate, within fifteen days after the conclusion of said hearings, and to send to the prosecutor a written order, signed by at least three members of the